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jmilletple

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**FILED**  
DISTRICT COURT OF GUAM

OCT 20 2006

MARY L.M. MORAN  
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,	)	MAGISTRATE CASE NO. 06-00009
	)	
Plaintiff,	)	
	)	
vs.	)	<b>PRE-JUDGMENT PROBATION</b>
	)	<b>PLEA AGREEMENT</b>
JEREMY R. MILLETT	)	
Defendant.	)	

Pursuant to Rule 11(c)(1)(B), the United States and the Defendant, JEREMY R. MILLETT, enter into the following plea agreement:

1. The Defendant agrees to enter a guilty plea to an Information charging him with Possession of a Controlled Substance, in violation of 21 United States Code Section 844(a).
2. If the Court finds the Defendant guilty of Possession of a Controlled Substance, a violation of Title 21, United States Code, Section 844(a), the Government agrees to recommend Pre-judgment probation pursuant to 18 USCS § 3607.
3. The Defendant represents that he has not, prior to the commission of the offense to which he entered the plea of guilty, been convicted of violating a Federal or State law relating to controlled substances and that he has not previously been the subject of a disposition under 18 USCS § 3607(a).
4. If the court orders Pre-judgment probation pursuant to 18 USCS § 3607(a), the Defendant consents to be placed on probation for a term of not more than one year, even though

1 the Court has not entered a judgment of conviction. The Court may, at any time before the  
2 expiration of the term of probation, if the Defendant has not violated a condition of his probation,  
3 without entering a judgment of conviction, dismiss the proceedings against the Defendant and  
4 discharge him from probation. At the expiration of the term of probation, if the Defendant has  
5 not violated a condition of his probation, the Court shall, without entering a judgment of  
6 conviction, dismiss the proceedings against the Defendant and discharge him from probation. If  
7 the Defendant violates a condition of his probation, the court shall proceed in accordance with  
8 the provisions of 18 USCS § 3565.

9 5. The Defendant fully understands that a nonpublic record of a disposition under  
10 subsection (a) of 18 USCS § 3607 shall be retained by the Department of Justice solely for the  
11 purpose of use by the Courts in determining, in any subsequent proceeding, whether the  
12 Defendant will qualify for the disposition provided in subsection (a) 18 USCS § 3607. A  
13 disposition under subsection (a) of 18 USCS § 3607 shall not be considered a conviction for the  
14 purpose of a disqualification or a disability imposed by law upon conviction of a crime, or for  
15 any other purpose.

16 6. If the court does not order Pre-judgment probation pursuant to 18 USCS § 3607, the  
17 Defendant understands that the maximum sentence for Possession of a Controlled Substance, in  
18 violation of 21 U.S.C. 844(a), is imprisonment for one year and a minimum fine of \$1000, or  
19 both, and a \$25 special assessment fee. Any sentence of incarceration may include a term of  
20 supervised release of not more than one year as set forth in 18 U.S.C. § 3583(b)(3). If the court  
21 revokes a sentence of supervised release, the court may incarcerate the Defendant for not more  
22 than one year. The total of \$25 special assessment fee must be paid upon sentencing.

23 7. If the Defendant is financially unable to immediately pay the fine in full upon  
24 sentencing, the Defendant agrees to make a full disclosure of his financial status to the United  
25 States Attorney's Office by completing a Financial Disclosure Form (OBD-500) for purpose of  
26 fixing a monthly payment schedule. Defendant understands that, by law, interest accrues on any  
27 remaining balance of the debt.  
28

1 8. The defendant understands that to establish a violation of Possession of a Controlled  
2 Substance, a violation of Title 21, United States Code, Section 844(a), the Government must  
3 prove each of the following elements beyond a reasonable doubt:

4 First, that on June 3rd, 2006, the Defendant entered Polaris Point, located on U.S. Naval  
5 Base Guam;

6 Second, that when the Defendant entered Polaris Point on U.S. Naval Base Guam, he  
7 knowingly possessed one (1) gram of Marijuana;

8 Third, that Marijuana is a Schedule I controlled substance; and

9 Fourth, that the locality in which the crime was committed was on land acquired or  
10 reserved for the use of the United States and under exclusive or concurrent jurisdiction  
11 thereof.

12 9. The Defendant understands that, if sentenced, the Sentencing Guidelines are advisory  
13 only. The Court may still utilize the sentencing guidelines as an aid to determine the sentence to  
14 be imposed. The government and the Defendant stipulate to the following facts for purposes of  
15 the sentencing:

16 a. The Defendant was born December 23, <sup>1978</sup>~~1998~~, and is a citizen of the United States.

17 b. That at approximately 17:28 on June 3rd, 2006, the Defendant JEREMY R. MILLETT  
18 entered the Entry Control Point for the SOJA concert, located on the left side of Polaris  
19 Point field onboard U.S. Naval Base Guam. That when he entered this Entry Control  
20 Point, the Defendant JEREMY R. MILLETT, knowingly possessed one marijuana  
21 cigarette with an approximate weight of one (1) gram of Marijuana. That Marijuana is a  
22 Schedule I controlled substance. That Polaris Point field, located onboard U.S. Naval  
23 Base Guam, the location in which the crime was committed, was on land acquired or  
24 reserved for the use of the United States and under exclusive or concurrent jurisdiction  
25 thereof.

26 10. The Defendant understands that notwithstanding any agreement of the parties, the  
27 United States Probation Office will make an independent application of the Sentencing  
28

1 Guidelines or determine an appropriate sentencing range. The Defendant acknowledges that  
2 should there be discrepancies in the final Sentencing Guidelines or sentencing range, projected  
3 by his counsel or any other person, such discrepancy is not a basis to withdraw his guilty plea.

4 11. The Defendant agrees to waive any right to appeal or to collaterally attack this  
5 conviction. The defendant reserves the right to appeal the sentence actually imposed in this case.

6 12. The Defendant acknowledges that he has been advised of his rights as set forth below  
7 prior to entering into this plea agreement. Specifically, Defendant has been fully advised of, has  
8 had sufficient opportunity to reflect upon, and understands the following:

9 a. The nature and elements of the charge and the mandatory minimum penalty  
10 provided by law, if any, and the maximum possible penalty provided by law;

11 b. His right to be represented by an attorney;

12 c. His right to plead not guilty and the right to be tried by a jury and at that trial, the  
13 right to be represented by counsel, the right to confront and cross-examine witnesses against him,  
14 and the right not to be compelled to incriminate himself, that is, the right not to testify;

15 d. That if he pleads guilty, there will not be a further trial of any kind on the charges to  
16 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives  
17 up, the right to a trial;

18 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions  
19 about the offenses to which he has pled, under oath, and that if he answers these questions under  
20 oath, on the record, his answers may later be used against him in prosecution for perjury or false  
21 statement if an answer is untrue;


22 f. That he agrees that the plea agreement is voluntary and not a result of any force,  
23 threats or promises apart from this plea agreement;

24 g. That he reads, writes and speaks the English language and has no need for an  
25 interpreter;


26 h. That he has read the plea agreement and understands it; and  
27  
28

1 i. The Defendant is satisfied with the representation of his lawyer and feels that his  
2 lawyer has done everything possible for his defense.

3 DATED: 10/18/2006

  
JEREMY R. MILLETT  
Defendant

4  
5 DATED: 10/18/06

  
RICHARD ARENS  
Attorney for Defendant


6  
7  
8  
9 DATED: 10/20/06

By:

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

  
RYAN M. ANDERSON  
Special Assistant U.S. Attorney

10  
11  
12 DATED: 10/19/06

  
JEFFREY J. STRAND  
First Assistant U.S. Attorney